

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 KYLE HANEY,

4 Plaintiff

Case No. 2:19-cv-01715-GMN-VCF

ORDER

5 v.

6 CITY OF HENDERSON, *et al.*,

7 Defendants  
8

9 **I. DISCUSSION**

10 Plaintiff has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and  
11 has filed an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1).  
12 Plaintiff's application to proceed *in forma pauperis* is incomplete. Pursuant to 28 U.S.C.  
13 § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed  
14 *in forma pauperis* and attach both an inmate account statement for the past six months  
15 and a properly executed financial certificate. Plaintiff has not submitted a properly  
16 executed financial certificate or an inmate account statement. (See ECF No. 1). Further,  
17 Plaintiff may not file parts of his application to proceed *in forma pauperis* in a piecemeal  
18 fashion. Plaintiff is required to file a **full and complete** application to proceed *in forma*  
19 *pauperis* and attach both an inmate account statement for the past six months and a  
20 properly executed financial certificate. As such, the *in forma pauperis* application is  
21 denied without prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No.  
22 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff  
23 will be granted an opportunity to cure the deficiencies of his application to proceed *in*  
24 *forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff  
25 chooses to file a new application to proceed *in forma pauperis*, he must file a full and  
26 complete application to proceed *in forma pauperis* together with an inmate account  
27 statement for the past six months and a properly executed financial certificate. Plaintiff  
28 is further advised that this case will not be placed in line for screening until he either pays

1 the filing fee or files a full and complete application to proceed *in forma pauperis*, including  
2 both an inmate account statement for the past six months and a properly executed  
3 financial certificate.

4 With respect to Plaintiff's current address, in his letter to the Court dated  
5 September 26, 2019, Plaintiff provides an alternate address for his mailings as "834  
6 Fuerte Ct., Henderson, NV, 89015." (ECF No. 1-2). Plaintiff may not use an alternate  
7 address of another person for his filings with this Court. Further, Plaintiff must update  
8 and keep the Court apprised of **his** current address. The Plaintiff will be granted thirty  
9 (30) days from the date of this order to file his updated address with the Court. If Plaintiff  
10 does not update the Court with his current address within thirty (30) days from the date  
11 of this order, the Court will dismiss this action without prejudice.

## 12 **II. CONCLUSION**

13 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed  
14 *in forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new and fully  
15 complete application together with an inmate account statement for the past six months  
16 and a properly executed financial certificate.

17 IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the  
18 approved form application to proceed *in forma pauperis* by a prisoner, as well as the  
19 document entitled information and instructions for filing an *in forma pauperis* application.

20 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,  
21 Plaintiff will either: (1) file a fully complete application to proceed *in forma pauperis*, on  
22 the correct form with complete financial attachments in compliance with 28 U.S.C. §  
23 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing  
24 fee and the \$50 administrative fee).

25 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,  
26 Plaintiff shall file his updated address with the Court.

27 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
28 dismissal of this action without prejudice will result.

1 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
2 (ECF No. 1-1) but will not file it at this time.

3 DATED this 7<sup>th</sup> day of October, 2019.

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5 UNITED STATES MAGISTRATE JUDGE  
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